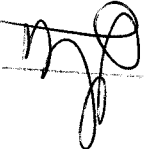


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
8/11/15
2015 AUG 31 AM 11:01
DEPUTY CLERK 

UNITED STATES OF AMERICA

v.

STEVEN O'NEIL KIDWILL

ORIGINAL

NO.

3 - 15 CR - 0393 D

FACTUAL RESUME

It is hereby agreed by and between the defendant, Steven Kidwill (Kidwill), his attorney, George Milner, III, and the United States (the government), that the following is true, correct, and can be used in support of the defendant's plea of guilty:

ELEMENTS OF THE OFFENSE

Count One

Unlawfully Transferring a Machinegun
(Violation of 26 U.S.C. § 5861(e))

In order to prove the offense of Unlawfully Transferring a Machinegun, as alleged in Count One of the Information, the government must prove each of the following elements beyond a reasonable doubt:

First: That the defendant knowingly transferred a firearm. The term "firearm" means any weapon that will, or is designed to, or may readily be converted to expel a projectile by the action of an explosive;

Second: That this firearm was a machinegun, as defined by 26 U.S.C. § 5845;

Third: That the defendant knew of the characteristics of the firearm, that is, that is was a machinegun;

Fourth: That the firearm was in operating condition or could readily have been put into operating condition; and

Fifth: That this firearm was not registered in the National Firearms Registration and Transfer Record.

STIPULATED FACTS

1. Kidwill admits that on about March 10, 2014, in the Dallas Division of the Northern District of Texas, he, knowing that the firearm was not registered in the National Firearms Registration and Transfer Record, knowingly and unlawfully transferred a firearm, specifically a machinegun, as defined by 26 U.S.C. § 5845, to wit: a short-barreled Diamond Back, Model DB-15, .223 caliber machinegun, bearing serial number (partially obliterated) DB**00747, in violation of 26 U.S.C. § 5861(e).
2. Kidwill admits and acknowledges that from on or about February 11, 2014, through on or about March 10, 2014, he engaged in negotiations to sell and agreed to sell an unregistered machinegun to an individual, who, unbeknownst to him, was a confidential informant for agents with the Bureau of Alcohol, Tobacco, Firearms, and Explosives. Ultimately, Kidwill agreed to sell the unregistered machinegun for cash. Kidwill further agrees and admits that he knew the transaction was illegal. Kidwill acknowledges that he is a licensed firearms dealer and, thus, was well aware that it was

unlawful to sell an unregistered machinegun. Kidwill also acknowledges that on April 4, 2014, ATF agents executed a valid federal search warrant at his business – Helz Firearms at 307 E. Broad Street, Forney, Texas. During the warrant, Kidwill acknowledges that he voluntarily agreed to speak with ATF agents. When he was asked whether he had ever sold or transferred any machineguns unlawfully, Kidwill acknowledges that he truthfully admitted that he had sold a short-barreled, fully automatic AR15 rifle to an individual for cash (the firearm listed in the Information). He further admitted that he also possessed at his residence another fully automatic receiver similar to the one he sold on March 10, 2014.

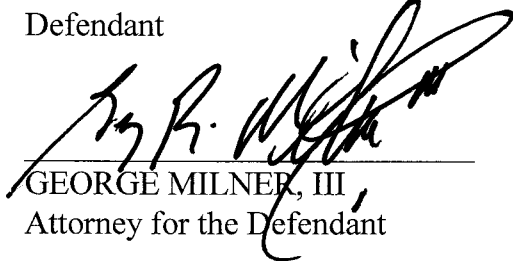
3. Kidwill acknowledges that the firearm he sold on March 10, 2014, a machinegun as defined by 26 U.S.C. § 5845, was not registered in the National Firearms Registration and Transfer Record and was therefore illegal to transfer/sell and/or possess. Kidwill further acknowledges that the firearm was in operating condition or could readily have been put into operating condition.

[NOTHING FURTHER ON THIS PAGE]

AGREED TO AND SIGNED this _____ day of _____, 2015.

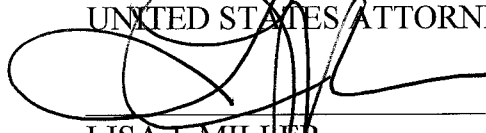


STEVEN O'NEIL KIDWILL
Defendant



GEORGE MILNER, III,
Attorney for the Defendant

JOHN R. PARKER
UNITED STATES ATTORNEY



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